

The EPA's Pending Action on Idaho's Hells Canyon Site-Specific Criterion for Temperature

Background

- In June 2012, Idaho submitted a revision to its site-specific criterion (SSC) for temperature for the Snake River that applies below the Hells Canyon Dam to its confluence with the Salmon River to protect fall Chinook spawning.
- The major revision to the SSC is a change in magnitude from 13C to 14.5C from October 23-November 6 (November 7-April 15 remain 13C).
- The EPA started reviewing the SSC in 2014 but in 2015 the review was put on hold while the states of Oregon and Idaho worked on draft 401 certifications for the Hells Canyon Complex Relicensing with FERC.
- In 2018, Idaho Power filed a complaint for EPA's failure to take CWA action (mandatory duty lawsuit) and was joined by Idaho. Currently there is a stay pending completion of ESA Section 7 consultation and the EPA's action on the SSC.
- On April 4, 2019, the EPA sent a Biological Evaluation of the Agency's proposed action on the SSC to NOAA and USFWS.

Status of the EPA's Review and Action

- The species analyzed in the Biological Evaluation include bull trout under jurisdiction of USFWS and Snake River Sockeye, Steelhead, Spring/Summer Chinook, fall-run Chinook, and prey-dependent Southern Resident Killer Whales (Puget Sound resident Orca) under NOAA's jurisdiction.
- The EPA analyzed direct and indirect effects and found that the Agency's proposed action may affect but is not likely to adversely affect bull trout, Sockeye, Steelhead, and Spring/Summer Chinook, and their critical habitat; and the action is likely to adversely affect fall-run Chinook and its critical habitat, and Orca.
- The Services have 135 days to write their opinions (by mid-August). It is possible that USFWS may concur with the EPA's not likely to affect determination for bull trout and its critical habitat within 30 days of receipt of the biological evaluation.
- After receiving the opinions, the EPA expects to take action within 60 days.

Status of the 401 certifications of the Hells Canyon Dam Complex

- In February 2019, the comment period closed on the states' (ID and OR) draft 401 certifications for the Hells Canyon Dam Complex. The EPA understands that the states are expected to publish the final certifications by June 14, 2019.
- For temperature, per the draft 401 certification, an upstream "Snake River Stewardship Program" establishes targets for restoration (thermal credits). It includes surface drawdown of Brownlee Reservoir and a cold-water pump as an on-ramp only if thermal credits are not met.
- For mercury, a study by USGS and their partners is ongoing. Per the draft 401 certification, Idaho Power Company will develop an implementation plan after the studies are completed.
- For dissolved oxygen, per the draft 401 certification, aerated turbine runners in Brownlee reservoir will be installed to improve oxygenation, along with upstream projects targeting dissolved oxygen improvements.